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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION THREE

THE PEOPLE,

Plaintiff and Respondent,

v.

LAURA ANN CASTANON,

Defendant and Appellant.

A094634

(Sonoma County
Super. Ct. No. SCR-29048)

Around 11:30 p.m. on October 21, 1999, Sonoma County Sheriff's Deputy Michael Crean stopped appellant, Laura Castanon, for speeding. Officer Crean had been pacing two cars traveling on the highway at 76 miles per hour when he noticed Castanon's vehicle ahead, apparently moving at a faster speed. When Officer Crean approached the passenger side of the car and spoke to Castanon, the driver, he observed that her pupils appeared excessively constricted. Based on his eight years of experience and specialized training in detecting the signs of substance use, Officer Crean suspected Castanon was under the influence of a controlled substance. He asked Castanon to step outside her car, evaluated her pupils in changing levels of light, and then took her pulse, which was elevated at 120 to 130 beats per minute. He also noticed Castanon's nasal passage appeared irritated and lacked hair, signs he considered consistent with the nasal ingestion of controlled substances. During this examination, Castanon said she had used "a tenth" (which Crean believed referred to a tenth of a gram of methamphetamine) 24 hours earlier and admitted she had a small amount of marijuana in the car.

Officer Crean concluded Castanon was indeed under the influence of a controlled substance and placed her under full custodial arrest. Officer Crean and his partner proceeded to search the vehicle. They found a duffel bag containing drug packaging paraphernalia, scales and large quantities of illegal substances: 125.66 grams of methamphetamine, 3.3 grams of psilocybin, 7.77 grams of cocaine, 2.96 grams of cocaine base, 2.84 grams of MDMA, 19.83 grams of heroin, one oxycodone tablet, and 263.81 grams of marijuana. After the arrest, Castanon's urine tested positive for methamphetamine, marijuana, opiates and cocaine. She was charged with 11 counts of possession, possession for sale and transportation of illegal substances.

At the hearing on her motion to suppress evidence, Castanon disputed much of Officer Crean's testimony. She claimed she did not know why Officer Crean pulled her over. Although Crean told her he "radared" her traveling at 79 miles per hour, she knew she was not speeding because she had set the cruise control on her car at 64 miles per hour. She denied having taken any drugs and refused Officer Crean's many requests to search her vehicle. She never told Officer Crean there was marijuana or any other drug in her car. Castanon thought the officer asked as many as eight times for consent to search her car. He asked why, if nothing was in the car, Castanon refused to let him search it. After Officer Crean shined a light in her eyes, took her pulse and conducted some physical dexterity tests, he said she appeared to have taken drugs and alcohol. He handcuffed her and placed her in the patrol car; then he handcuffed her passenger and proceeded to search her vehicle.

The trial court denied Castanon's suppression motion. Castanon then pleaded no contest to four counts of possession for sale of methamphetamine, heroin, cocaine and marijuana (Health & Saf. Code, §§ 11378, 11351, 11359) and admitted the statutory weight enhancement for possession of over 57 grams of methamphetamine (Pen. Code, § 1203.073, subd. (b)(2)). Pursuant to a plea agreement, the remaining counts were dismissed, and Castanon agreed to forfeiture of \$3,736 seized from her purse during the arrest. Castanon was sentenced to a mid-term of three years on the heroin charge and

concurrent terms on the remaining counts, for an aggregate term of three years in state prison. The court suspended execution of the sentence until completion of this appeal.

Castanon's appellate counsel has filed a brief under *People v. Wende* (1979) 25 Cal.3d 436. (See also *Anders v. California* (1967) 386 U.S. 738.) Counsel identifies no potentially arguable issues. After reviewing the entire record, we agree with counsel's assessment that no issue warrants further briefing.

DISPOSITION

Judgment affirmed.

Parrilli, J.

We concur:

McGuiness, P. J.

Corrigan, J.